

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

WENDELL DWAYNE O'NEAL,
Plaintiff,
vs.
EMPIRE FIRE AND MARINE INS. CO., et al.,
Defendants.
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} Case No. 2:16-cv-02313-JCM-CWH
ORDER

Presently before the court is Plaintiff Wendell Dwayne O’Neal’s Emergency Motion for Order Permitting Clerk to Issue a Subpoena for Auto Vas LLC Appearance With Business Records for Testimony Regarding Service and Repair Work Performed on Craigslist Cars (ECF No. 42), filed on May 5, 2017.

Local Rule 7-4 requires that emergency motions be accompanied with a declaration stating:

- (1) The nature of the emergency;
- (2) The office addresses and telephone numbers of movant and all affected parties; and
- (3) A statement of movant certifying that, after participation in the meet-and-confer process to resolve the dispute, the movant has been unable to resolve the matter without court action. The statement also must state when and how the other affected people or entities were notified of the motion or, if not notified, why it was not practicable to do so. If the nature of the emergency precludes a meet and confer, the statement must include a detailed description of the emergency, so the court can evaluate whether a meet and confer truly was precluded.

LR 7-4(a)(1)-(3). “The court may determine whether any matter submitted as an ‘emergency’ is, in fact, an emergency.” LR 7-4(c). “Failure to comply with the requirements for submitting an emergency motion may result in denial of the motion.” (*Id.*)

Here, Plaintiff does not submit a declaration as required by Local Rule 7-4 explaining why this motion is an emergency. The court in its discretion therefore will deny the motion under Local Rule 7-4(c).

1 IT IS THEREFORE ORDERED that Plaintiff Wendell Dwayne O'Neal's Emergency
2 Motion for Order Permitting Clerk to Issue a Subpoena for Auto Vas LLC Appearance With
3 Business Records for Testimony Regarding Service and Repair Work Performed on Craigslist Cars
4 (ECF No. 42) is DENIED.

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6 DATED: May 22, 2017

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8 **C.W. Hoffman, Jr.**
United States Magistrate Judge